

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE JUNE 14, 2013

AMENDED IN ASSEMBLY MAY 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 655

Introduced by Assembly Member Quirk-Silva

February 21, 2013

An act to ~~add Chapter 9.5 (commencing with Section 73000) to Title 8 of the Government Code, relating to courts; amend Section 290.03 of the Penal Code, relating to registered sex offenders, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 655, as amended, Quirk-Silva. ~~Court reporters: salary fund.~~
Registered sex offenders: local ordinances.

Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. Existing law, as adopted by the voters by the passage of Proposition 83 at the November 7, 2006, statewide general election, prohibits a person who is required to register as a sex offender from living in specified places, including within 2,000 feet of a school or park where children regularly gather. Existing law authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of the registered sex offender. Existing law makes it a misdemeanor for a person who is on parole for specified sex offenses to enter any park where children regularly gather without express permission from the person's parole agent.

This bill would state that the Legislature does not preempt local agencies from enacting ordinances that restrict where registered sex offenders may go within a local municipality.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides for the appointment of official reporters of the courts, and prescribes the fees and compensation for reporting services. Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases, for the services of an official court reporter on the first and each succeeding judicial day those services are provided, as specified. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings.~~

~~Existing law, applicable to proceedings in the Los Angeles County Superior Court, directs specified amounts to be set aside from the revenue of the court, including fees for reporting services payable by the parties, for deposit in the Reporters' Salary Fund. Existing law requires the salaries and benefits of official reporters to be paid from the fund, and authorizes the per diem fees and benefits of official reporters pro tempore to be paid from that fund.~~

~~This bill would authorize each trial court to establish a Reporters' Salary Fund for the payment of the salaries and benefits of official reporters, as specified.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~^{no}. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 290.03 of the Penal Code is amended to
- 2 read:
- 3 290.03. (a) The Legislature finds and declares that a
- 4 comprehensive system of risk assessment, supervision, monitoring,
- 5 and containment for registered sex offenders residing in California
- 6 communities is necessary to enhance public safety and reduce the
- 7 risk of recidivism posed by these offenders. The Legislature further
- 8 affirms and incorporates the following findings and declarations,
- 9 previously reflected in its enactment of "Megan's Law":
- 10 (1) Sex offenders pose a potentially high risk of committing
- 11 further sex offenses after release from incarceration or commitment,

1 and the protection of the public from reoffending by these offenders
2 is a paramount public interest.

3 (2) It is a compelling and necessary public interest that the public
4 have information concerning persons convicted of offenses
5 involving unlawful sexual behavior collected pursuant to Sections
6 290 and 290.4 to allow members of the public to adequately protect
7 themselves and their children from these persons.

8 (3) Persons convicted of these offenses involving unlawful
9 sexual behavior have a reduced expectation of privacy because of
10 the public's interest in public safety.

11 (4) In balancing the offenders' due process and other rights
12 against the interests of public security, the Legislature finds that
13 releasing information about sex offenders under the circumstances
14 specified in the Sex Offender Punishment, Control, and
15 Containment Act of 2006 will further the primary government
16 interest of protecting vulnerable populations from potential harm.

17 (5) The registration of sex offenders, the public release of
18 specified information about certain sex offenders pursuant to
19 Sections 290 and 290.4, and public notice of the presence of certain
20 high risk sex offenders in communities will further the
21 governmental interests of public safety and public scrutiny of the
22 criminal and mental health systems that deal with these offenders.

23 (6) To protect the safety and general welfare of the people of
24 this state, it is necessary to provide for continued registration of
25 sex offenders, for the public release of specified information
26 regarding certain more serious sex offenders, and for community
27 notification regarding high risk sex offenders who are about to be
28 released from custody or who already reside in communities in
29 this state. This policy of authorizing the release of necessary and
30 relevant information about serious and high risk sex offenders to
31 members of the general public is a means of assuring public
32 protection and shall not be construed as punitive.

33 (7) The Legislature also declares, however, that in making
34 information available about certain sex offenders to the public, it
35 does not intend that the information be used to inflict retribution
36 or additional punishment on any person convicted of a sex offense.
37 While the Legislature is aware of the possibility of misuse, it finds
38 that the dangers to the public of nondisclosure far outweigh the
39 risk of possible misuse of the information. The Legislature is
40 further aware of studies in Oregon and Washington indicating that

1 community notification laws and public release of similar
2 information in those states have resulted in little criminal misuse
3 of the information and that the enhancement to public safety has
4 been significant.

5 (b) In enacting the Sex Offender Punishment, Control, and
6 Containment Act of 2006, the Legislature hereby creates a
7 standardized, statewide system to identify, assess, monitor and
8 contain known sex offenders for the purpose of reducing the risk
9 of recidivism posed by these offenders, thereby protecting victims
10 and potential victims from future harm.

11 (c) *The Legislature does not preempt local agencies from*
12 *enacting ordinances that restrict where persons required to register*
13 *pursuant to Section 290 may go within a municipality.*

14 SEC. 2. *This act is an urgency statute necessary for the*
15 *immediate preservation of the public peace, health, or safety within*
16 *the meaning of Article IV of the Constitution and shall go into*
17 *immediate effect. The facts constituting the necessity are:*

18 *In order to provide municipalities with the ability to adopt and*
19 *implement ordinances related to restrictions on sex offenders, it*
20 *is necessary that this act take effect immediately.*

21 ~~SECTION 1. Chapter 9.5 (commencing with Section 73000)~~
22 ~~is added to Title 8 of the Government Code, to read:~~

23
24 ~~CHAPTER 9.5. REPORTERS' SALARY FUND~~
25

26 ~~73000. Each trial court may establish a Reporters' Salary Fund.~~

27 ~~73002. The Reporters' Salary Fund shall be a revolving fund~~
28 ~~. Funds deposited into the Reporters' Salary Fund shall, upon~~
29 ~~appropriation, be used solely to contribute to the salaries and~~
30 ~~benefits of official reporters.~~